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7 *Attorneys for Plaintiff Federal National Mortgage Association*

8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 DITECH FINANCIAL LLC; FEDERAL
12 NATIONAL MORTGAGE ASSOCIATION;
FEDERAL HOUSING FINANCE AGENCY, as
Conservator of Fannie Mae,

13 Plaintiffs,

14 vs.

15 SFR INVESTMENTS POOL 1, LLC; ALESSI
16 & KOENIG, LLC; FIESTA PARK
HOMEOWNERS' ASSOCIATION,

17 Defendants.
18

Case No.: 2:15-cv-02381-GMN-NJK

**MOTION TO WITHDRAW AS COUNSEL
OF RECORD FOR FEDERAL NATIONAL
MORTGAGE ASSOCIATION AND
FEDERAL HOME LOAN MORTGAGE
CORPORATION**

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1 The law firm of Akerman LLP, counsel of record for plaintiff Federal National Mortgage
2 Association (**Fannie Mae**) and Federal Home Loan Mortgage Corporation (**Freddie Mac**), moves
3 the court for an order allowing the law firm and its attorneys to withdraw as counsel of record. The
4 motion is based upon the points and authorities and the Affidavit of Vatana Lay below.

5 DATED this 23rd day of August, 2018.

6 **AKERMAN LLP**

7 */s/ Vatana Lay, Esq.*

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11 Las Vegas, Nevada 89134

12 *Attorneys for Plaintiff Federal National Mortgage*
13 *Association*

AFFIDAVIT IN SUPPORT OF MOTION TO WITHDRAW

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

Vatana Lay, Esq., being first duly sworn, deposes and says:

1. I am a duly licensed attorney in the State of Nevada, an associate with the law firm of Akerman LLP, 1635 Village Center Circle, Suite 200, Las Vegas, Nevada 89134.

2. I make this affidavit in support of plaintiff's motion to withdraw.

3. This action was initiated when Ditech Financial LLC, Fannie Mae, and the Federal Housing Finance Agency (**FHFA**) filed a complaint on December 14, 2015. (ECF No. 1.)

4. Akerman first appeared in this action on January 26, 2016, as counsel for Fannie Mae and Ditech Financial LLC. (ECF No. 6.)

5. On June 6, 2016, Fannie Mae, Freddie Mac, and FHFA filed an amended complaint that no longer listed Ditech as a plaintiff. (ECF No. 24.) Ditech asserts no claims in this matter and no claims are being asserted against Ditech, so the docket correctly lists Ditech as a terminated party.

6. However, Akerman attorneys Ariel Stern and Vatana Lay are still listed on the docket as counsel for Fannie Mae, and Ariel Stern is still listed on the docket as counsel for Freddie Mac.

7. Akerman was informed last week that Fannie Mae wishes Akerman to withdraw as counsel in this matter because all duties of counsel are already being performed by Snell & Wilmer.

8. To my knowledge, Freddie Mac has never asked Akerman to represent it in this matter. So far as Akerman has been able to determine, its only filing supposedly on behalf of Freddie Mac was in ECF No. 52, the notice of disassociation of Brett Coombs, and to the extent this filing claims Akerman represents Freddie Mac, it appears to have been filed in error.

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9. So far as I can ascertain, Akerman LLP, including its attorneys Ariel Stern, Vatana Lay, or any other attorneys associated with Akerman in this case, should no longer be listed as counsel for any active party in this matter.

DATED this 23rd day of August, 2018.

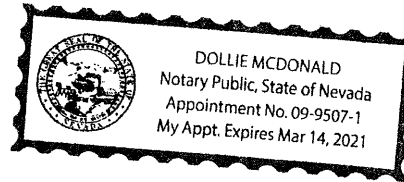


VATANA LAY

Subscribed and sworn to before me this 23rd day of August 2018.



NOTARY PUBLIC in and
for said County and State



MEMORANDUM OF POINTS AND AUTHORITIES

1. Nevada Rules of Professional Conduct (NRPC) 1.16(b) states "... a lawyer may withdraw from representing a client if:... (1) Withdrawal can be accomplished without material adverse effect on the interests of the client; or (7) Other good cause exists. *See* Nev. R. Prof. C. 1.16(b)(1) and (7).

2. Furthermore, "[a] lawyer must comply with applicable law requiring notice or permission of a tribunal when terminating representation." *Id.*

3. Pursuant to SCR 46. "the attorney in an action or special proceeding may be changed at any time before judgment or final determination upon the order of the court or judge thereof on the application of the attorney or client." *See* SCR 46(2).

4. There are no hearings or trial dates set in this matter, so no delay of the proceedings will result.

5. As shown by the affidavit of Vatana Lay in support of this Motion to Withdraw as Counsel of Record, as well as the arguments set forth above, withdrawal is appropriate.

6. After Akerman's withdrawal, Fannie Mae will still be represented by Erica Stutman, Kelly Dove, Amy Sorenson, and Robin Perkins of the law firm Snell & Wilmer and by John Maddock of the law firm McGuireWoods LLP.

7. Freddie Mac will still be represented by John Maddock, Michael Stark, and Tenille Checkovich of McGuireWoods and by Leslie Bryan Hart of Fennemore Craig PC.

8. No party will be prejudiced by the complete withdrawal of Akerman LLP, including its attorneys Ariel Stern and Vatana Lay, from the litigation.

DATED this 23rd day of August, 2018.

AKERMAN LLP

/s/ Vatana Lay, Esq.

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IT IS SO ORDERED.

Dated: August 24, 2018


Nancy J. Koppe
United States Magistrate Judge